

## REMARKS

### Amendments in the specification

In accordance with 37 C.F.R. §1.78, Applicant has amended the specification to insert a paragraph identifying the patent applications to which this patent application claims priority. Applicant requests that that paragraph be entered into this patent application.

Under 37 C.F.R. §1.55 and MPEP §2163.07, Applicant has amended the specification to insert page 2 of the original specification which was inadvertently omitted. By the present amendment, Applicant has provided the missing text which constitutes page 2 of the original specification in the acknowledged priority document, P 200201811. Applicant submits that added page 2 does not introduce new matter.

Other amendments simply rephrase the text, or correct grammatical or obvious errors. Applicant submits that such amendments are permissible under MPEP §2163.07.

### Amendments in the claims

Following amendment as requested herein, Claims 1-8 have been amended and Claims 9-25 have been added. Thus Claims 1-25 are now pending. Applicant submits that the amendments and new claims do not introduce new matter. No changes in inventorship are believed to result from the present amendments. Specifically:

Amendment of Claim 1 is requested to clarify the definitions of  $R_1$  and  $R_2$  in view of the depicted structure, specifically the cyclization of  $R_1$ . Following amendment,  $R_2$  is selected from the group consisting of N, NH and S. If  $R_2$  is N, then  $R_1$  is selected from the group consisting of  $-(CH_2)_3-$ ,  $-(CH_2)_4-$ ,  $-CH_2SCH_2$ , and  $-SCH_2CH_2-$ ; and if  $R_2$  is S or NH, then  $R_1$  is absent. Further, Claim 1 has been amended to recite "if  $R_2$  is NH, then  $n=1$ ." Lastly, Claim 1 is amended to encompass stereochemical isomers of the compound, or a solvate or pharmaceutically acceptable salt of the compound or isomer. This amendment is supported by the specification as filed at least at page 5, lines 27-34; page 6, lines 1-10; page 7, lines 5-26; and page 8, lines 1-20.

Amendment of Claim 2 is requested to correct the definition of  $R_5$ . This amendment corrects an obvious error, and is therefore permissible under MPEP §2163.07. Applicant has amended the definition of  $R_5$  to read the same as the original specification (priority document

P 200201811) and is thus supported by the specification as filed at least at page 27.

Claims 2, 3, 4, and 6 are amended to expressly recite “a stereochemical isomer of the compound, or a solvate or pharmaceutically acceptable salt of the compound or isomer.” This amendment makes the language of the claims more consistent with the language of Claim 1.

Amendment of Claim 4 is requested to delete the phrase “according to claim 1, characterized in that” and make the claim independent by specifically reciting the chemistry supported by pages 3-5 of the specification as filed. Claim 4 has also been amended to clarify that the process has two alternative steps as opposed to two steps (A and B). Further, acetonitrile has been deleted, and “I” in Scheme I and II has been replaced with Formula I for clarity. These amendments are supported by the specification as filed at least at page 7, lines 5-18.

Amendment of Claim 6 is requested to delete the phrase “as defined in claim 1” and make the claim independent by specifically reciting the chemistry supported by pages 3-5 of the specification as filed.

Amendment of Claim 7 is requested to replace the European “Swiss-style” language (*i.e.* “use” language) with the U.S. practice “method” language. Claim 7 is further amended to depend from new Claim 19 discussed below.

Amendment of Claim 8 is requested to replace the European “Swiss-style” language (*i.e.* “use” language) with the U.S. practice “method” language. Claim 8 is further amended to depend from new Claim 21 discussed below.

New Claims 9 and 10 are dependent on Claim 1 and are supported at least by originally filed Claim 1 and Examples 1-21 on pages 10-19 of the specification as filed.

New Claims 11-14 are dependent on Claim 4 and are supported at least by originally filed Claims 1 and 4, and Examples 1-21 on pages 10-19 of the specification as filed.

New Claims 15-18 are dependent on Claim 6 and are supported at least by originally filed Claims 1 and 6, and Examples 1-21 on pages 10-19 of the specification as filed.

New Claim 19 is directed to a method for the treatment and/or prevention of a pathological state in a subject in need of such treatment and/or prevention, wherein the method comprises administering to the subject a compound, a stereochemical isomer of the compound, or a solvate or pharmaceutically acceptable salt of the isomer or compound,

wherein the compound corresponds in structure to Formula I. This Claim is supported by the specification as filed at least at page 1, lines 7-14; page 3, line 5; page 6, lines 11-21; page 9, lines 15-26; Example 23 on page 22; and Example 24 on page 23.

New Claim 20 is dependent on Claim 7. It is supported by the specification as filed at least at page 6, lines 11-17.

New Claim 21 is directed to a method to provide neuroprotection to a subject in need thereof comprising administering to the subject a neuroprotective amount of a compound, a stereochemical isomer of the compound, or solvate or pharmaceutically acceptable salt of the compound or isomer, wherein the compound corresponds in structure to Formula I. Claim 21 is supported by the specification as filed at least at page 1, lines 15-18; page 6, lines 17-21; page 7, lines 1-4; page 9, lines 28-33; page 10, lines 1-3; and Examples 25 and 26 on pages 24-25.

New Claims 22-24 are dependent on Claim 1 and are therefore supported at least by originally filed Claim 1.

New Claim 25 is directed to a compound, a stereochemical isomer of the compound, or a solvate or pharmaceutically acceptable salt of the compound or isomer, wherein the compound corresponds in structure to Formula I wherein  $R_2$  is S or N.

Other amendments simply rephrase the claims, remove redundancies or unnecessary terms, or correct obvious errors. Applicant submits that such amendments do not affect the scope of the claims, and are permissible under MPEP §2163.07.

Applicant reserves the right to pursue any canceled subject matter and/or any other subject matter disclosed in this application in one or more later-filed divisional and/or continuation applications.

## RESPONSE TO OFFICE ACTION DATED DECEMBER 6, 2006

### 1. Priority

The present Action acknowledges Applicant's claim of priority to P 200201811 filed in Spain on July 31, 2002.

### 2. Information Disclosure Statement

The present Action acknowledges receipt of Applicant's information disclosure

statement filed on January 17, 2006 which has been taken under consideration.

### 3. Specification

The present Action notes that page 2 is missing from the English translated copy of the specification on file. Applicant has provided the inadvertently omitted page 2 from the specification of P 200201811 which the Examiner has acknowledged priority to and has on file.

### 4. Claim Objections for Informalities

Applicant respectfully requests withdrawal of the following informality objections.

#### Claim 1

The Action objects to Claim 1 for the following informality: "the drawing shows that  $R_1$  forms a bicyclic ring structure and therefore it does not make sense for  $R_1$  to be H or for  $R_2$  to be S." In response, Applicant has amended the  $R_1$  and  $R_2$  definition to accord with the drawing of Formula I as stated above.

#### Claim 2

The Action objects to an incorrect drawing shown for the definition of  $R_5$ . In response, Applicant has amended the definition of  $R_5$  to reflect the correct drawings as stated above.

### 5. Claim objections under 35 U.S.C. §112 & §101

Claims 7 and 8 have been rejected under 35 U.S.C. §112 and §101 for not setting forth any steps involved in the method/process. In response, Applicant has amended Claims 7 and 8 which now depend from new Claims 19 and 21 respectively. Thus, Claims 7 and 8 now comprise the step recited in Claims 19 and 21 respectively. Therefore, Applicant respectfully requests withdrawal of the rejection of Claims 7 and 8 under 35 U.S.C. §112 and §101.

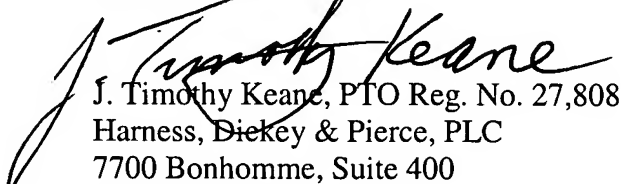
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Applicant submits that the claims are in condition for allowance. Applicant authorizes the Commissioner to charge \$970 to Deposit Account No. **08-0750** to cover the fees for this application. This includes the extra claims fees as required by 37 C.F.R. §1.16(h) and (i), and

for one (1) month extension of time for response as required under 37 C.F.R. §1.17(a)(1). Applicant does not believe any additional fee is owed in connection with this filing. If, however, Applicant does owe any such fee(s), the Commissioner is hereby authorized to charge those fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §§1.16 and 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **08-0750**.

Applicant requests that the Examiner call the undersigned if any questions arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,

  
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